

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7160

BILL NUMBER: HB 1386

NOTE PREPARED: Jan 8, 2004

BILL AMENDED:

SUBJECT: Enhanced Penalties for Certain Offenses.

FIRST AUTHOR: Rep. Moses

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a person convicted of an offense involving the use of a firearm or destructive device shall receive an additional term of imprisonment.

Effective Date: July 1, 2004.

Explanation of State Expenditures: The bill provides for an additional fixed-term sentence based on prior convictions when a jury or court finds that the offender knowingly or intentionally used a firearm or destructive device in the commission of an offense. The use of a destructive device in the commission of the offense is added under the bill.

The additional fixed-term sentence would be based on prior convictions as follows.

Number of Prior Unrelated Felonies	Current Penalty (Indeterminate)	Proposed Penalty (Fixed-Term)
None	5 Years	5 Years
One	5 Years	10 Years
Two	5 Years	20 Years
Three	5 Years	Life Imprisonment without Parole

There are no data available to indicate how many offenders would be convicted under these provisions. To the extent that offenders would serve additional terms of incarceration which would not be reduced by

concurrent sentencing or removal to a community transition program, costs of incarceration for the state would increase.

The average expenditure to house an adult offender was \$26,825 in FY 2002. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues:

Explanation of Local Expenditures: If the use of a firearm or destructive device was proven beyond a reasonable doubt as an element of the underlying offense, the jury or court would not be required to reconvene for an additional hearing. This provision could minimally reduce the costs to court operations.

Provision Concerning Life Without Parole: If the defendant is faced with life without parole, the defendant would be eligible for representation by two attorneys. In addition, there would need to be one court hearing to determine guilt and another court hearing to determine whether the defendant should be sentenced to life imprisonment without parole.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.

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